IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO. 561 OF 2003
IN
NOTICE OF MOTION NO. 1332 OF 2003
IN
L.C. SUIT NO. 1695 OF 2003

Suresh Vasantrrai Shah .. Appellant.

V/s.

Municipal Corporation of Brihanmumbai
& Anr. .. Respondents.

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Shri Navin Parekh i/by Ms. Hetal Patel for Appellant.
Shri M.R. Yadav for Respondent No.2.
Shri J. Xavier for BMC -Respondent NO.1.

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CORAM : V.C. DAGA, J.
DATED : 10.08.2004.

PC:-

Heard the learned counsel for the rival parties. During the course of argument, the appellant has filed an undertaking, on oath stating therein that the appellant has removed cement sheets, asbestos sheets, corrugated iron sheets and/ or galvanized iron sheets, covering open area other than the area of the premises, admeasuring 7.8 mtrs. x 9.4 mtrs.. The statements made in the undertaking are taken on record. It is made clear that after taking survey, if Corporation authorities find that the sheets covering area as mentioned have not been removed, it would be open for the Corporation to remove the same in order to bring the structure in tune with undertaking furnished by the appellant.

The undertaking shall be subject to the result of the suit. The undertaking is also accepted and taken on record and marked `X' for identification.

In view of this, appellant agree that no further orders in appeal are necessary. Appeal stands disposed of with no order as to costs.

Parties would be at liberty to act on an ordinary copy of this order duly authenticated by the Personal Assistant/ Associate of this court, as true copy.

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